



U.S. Department of Justice
Civil Rights Division

TC:ANF:RG3
19-00236-F

*Freedom of Information/Privacy Acts Branch - PHB
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail Only

7/29/2019

Mr. Austin Evers
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, DC 20005
foia@americanoversight.org

Dear Mr. Evers:

This is in further response to your July 10, 2019 Freedom of Information Act request seeking access to records pertaining to the “declaration of John Gore relied on by DOJ in support of its May 28, 2019, Motion for Reconsideration in Brennan Center for Justice et al. v. U.S. Department of Justice et al., Case No. 17 Civ. 6335 (AKH) (S.D.N.Y.), ECF No. 105 at 8.”

After review of the responsive Civil Rights Division documents, I have determined that the enclosed document may be released to you in its entirety.

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

Tink Cooper

Tink Cooper, Acting Chief
Freedom of Information/Privacy Acts Branch
Civil Rights Division

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRENNAN CENTER FOR JUSTICE, and
THE PROTECT DEMOCRACY PROJECT,

Plaintiffs,

v.

17 Civ. 6335 (AKH)

U.S. DEPARTMENT OF JUSTICE,
U.S. DEPARTMENT OF HOMELAND SECURITY,
U.S. GENERAL SERVICES ADMINISTRATION,
OFFICE OF MANAGEMENT AND BUDGET, and U.S.
SOCIAL SECURITY ADMINISTRATION,

Defendants.

DECLARATION OF JOHN GORE

JOHN GORE, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am the Principal Deputy Assistant Attorney General in the United States Department of Justice's Civil Rights Division (the "Division"). I have held that position since July 2017. In that capacity, I report directly to the Assistant Attorney General for Civil Rights. I joined the Division in January 2017. From January through late July 2017, I was a Deputy Assistant Attorney General in the Division. From late July 2017 through early November 2018, I served as the Division's Acting Assistant Attorney General while the nomination of Eric Dreiband to be Assistant Attorney General was pending before the Senate. In each position that I have held with the Division, I have served as part of the Division's senior management team, which has responsibility for the overall supervision of the Division's enforcement of the federal statutes and regulations that fall within the Division's mission, including the Voting Rights Act of 1965.

2. As the Principal Deputy Assistant Attorney General, I assist in the general supervision of the activities of the Division. I advise the Assistant Attorney General on major policy decisions requiring his personal attention. I advise on and decide questions of policy and procedure arising in connection with the initiation, conduct, and termination of civil and criminal civil rights litigation, subject to review by the Assistant Attorney General. I also confer with, advise, and instruct senior members of the Division, and other Division and Department attorneys on matters relating to the enforcement of statutes, executive orders, and regulations assigned to the Division.

3. As Acting Assistant Attorney General, I was responsible for general supervision of the activities of the Division. I set policy and procedures arising in connection with the initiation, conduct, and termination of civil rights litigation, both civil and criminal. I advised and instructed senior members of the Division and Department leadership on matters relating to the enforcement of statutes, executive orders, and regulations assigned to the Division.

4. I submit this declaration in support of what I understand will be a motion to reconsider aspects of the Court's Opinion and Order dated April 30, 2019, which among other things directed a search of my personal emails. The following statements are based upon my personal knowledge.

5. Since I joined the Division in January 2017, I have not used personal email to conduct any Division business related to the Presidential Advisory Commission on Election Integrity ("PACEI" or "task force"). In fact, neither I, nor the Division, had any relationship with the PACEI. Moreover, to my best recollection and in accordance with my intention and practice, I have not used personal email to conduct any other Division business.

6. I have received training on the Department of Justice's rules regarding use of personal email for work. I understand that, absent exigent circumstances, I am required to use official email to conduct Division business. In addition, I understand that if I receive an email used to conduct Division business in my personal email account, I must forward it to my official email address within 20 days. I have complied with these requirements.

7. In May 2017, an individual whom I knew from outside my work for the Division emailed my personal email account to ask if I "had a relationship" with the PACEI. I informed this individual that "I d[idn't] have any relationship with the task force." I offered to help put the individual in contact with "someone who does." I later put this individual in contact with Christy McCormick, a member of the PACEI.

8. I did not understand or interpret the individual's inquiry to be asking about the work of the Division, or to constitute an official-capacity communication by me. Neither I, nor the Division, had any relationship with the PACEI. Therefore, I believed that my communications with this individual were in my personal capacity, not my official capacity.

9. In September 2017, in an abundance of caution and to ensure that agency records were complete in the event anyone viewed this communication as work-related notwithstanding my understanding that it was not, I forwarded the email exchange described herein to my official email account. That is the email exchange that is referenced in the Court's April 30 Opinion and Order. Despite my having done so, in my view, the communications were not official-capacity communications, nor were they sent or received in the course of my employment with the Department of Justice.

10. I am unaware of having any official-capacity emails on my personal account and, based on my usual and consistent practice, I am confident that no such emails exist within my

personal email account. At all times that I have been employed by the Department of Justice, it has been my practice to engage in email communications to conduct official agency business only on my official Department of Justice email account, using the agency's email system.

* * *

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, DC
May 28, 2019



John M. Gore
Principal Deputy Assistant Attorney General
United States Department of Justice